

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38967 of 2018

Arising Out of PS.Case No. -283 Year- 2008 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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1. Sanjay Kumar, aged about 59 Years S/o Sri Surendra Prasad Sinha, R/o Vill.- Basantpur , under Riga P.S., District- Sitamarhi, the then Assistant Engineer Rural Works, Special Division, Nalanda, Biharsharif.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Sri Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 11-07-2018 The petitioner is apprehending his arrest in connection with Biharsharif P.S. Case No. 283 of 2008, registered for offences punishable under Sections 409, 420, 467, 468, 471/34 of the Indian Penal Code.

Allegation against the petitioner is of defalcating the Government money to the tune of Rs. 25 Lacs under the scheme of Gardening Mission for renovation of ponds.

It has been submitted on behalf of the petitioner that he has falsely been made accused in this case and as a matter of fact, the petitioner has received the amount of Rs. 25 lacs and this amount was received for construction of I.C.U. in the Sadar Hospital, Biharsharif, Nalanda, which will be evident from the



requisition issued from the petitioner to release the aforesaid amount of Rs. 25 lacs and also will be evident from the measurement book and further the F.I.R itself shows that the petitioner has not received any amount by way of advance relating to any scheme of Gardening Mission. It has further been submitted that earlier the arrest of the petitioner was stayed by the authorities of the department and after lapse of so many years, the present false and concocted case has been lodged against the petitioner.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case, nature of offence and also that petitioner has no criminal antecedent and only general and omnibus allegation has been levelled against him, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Nalanda at Biharshaif in connection with Biharsharif P.S. Case No. 283 of 2008, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, it is further subject to the condition that:-



- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner shall cooperate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

It is also made clear that if after submission of charge-sheet the allegation against the petitioner is being found to be true, the petitioner will have to surrender before the court below and pray for regular bail, which will be decided on the merit of the case.

(Vinod Kumar Sinha, J)

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